DEPARTMENT OF NATURAL RESOURCES

SOLID WASTE EN[...]CEMENT REPORT
FORM 4100--68
REV. 2-76

10-4-76

TYPE OF ACTION: ☐ MINI-HEARING ☐ DIRECT REFERRAL ☐ ORDER ☒ REFERRAL OF ORDER ☐ MODIFICATION OF ORDER

DESCRIPTION OF ENTITY

LICENSE NUMBER 73	NAME OF LICENSEE James Lehrer
NAME OF RESPONSIBLE PARTY James Lehrer	NAME OF REGISTERED AGENT OR CORPORATE OFFICER
STREET OR ROUTE 1604 Crook Avenue	NAME OF PROPERTY OWNER James Lehrer
CITY, STATE, ZIP CODE Kaukauna, Wisconsin 54133	EXACT CORPORATE NAME James Lehrer
TYPE OF FACILITY Sanitary Landfill Site	LOCATION OF SITE OR FACILITY (1/4 1/4, SEC, T, R, CO, ADDRESS) Sec. 21 & 22, T. 21 N., R. 18 E., Tn. Buchanan, Outagamie County

DESCRIPTION OF VIOLATION

LIST EACH VIOLATION BY DATE, STATE STATUTE, RULE OR ORDER PROVISION VIOLATED, AND DESCRIBE CONDITIONS OBSERVED ON EACH DATE: (ATTACH COPY OF ORDER VIOLATED)

Failure to submit final hydrogeologic report by May 28, 1976. Failure to submit preliminary engineering report by May 28, 1976.

PROOF OF VIOLATION

NAME OF WITNESSES (PLUS ADDRESSES & ENTITIES THEY REPRESENT) & WHETHER THEY ARE WILLING TO TESTIFY IN COURT FOR EACH VIOLATION ON EACH DATE STATED ABOVE. Gary F. Kulibert	LIST OF ITEMS OF IN—FIELD DOCUMENTATION OF VIOLATION FOR EACH DATE STATED ABOVE, INCLUDING LIST OF PHOTOGRAPHS. District received copy of hydrogeologic report dated August 11, 1976.

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CONTACT WITH VIOLATOR

LIST BY DATE EACH CONTACT MADE WITH VIOLATOR CONCERNING VIOLATION & INDICATE WHETHER CONTACT WAS MADE PERSONALLY, BY LETTER OR TELEPHONE CONFERENCE; INDICATE WHO WERE THE PARTIES INVOLVED & THE SUBSTANCE OF DISCUSSION ON EACH OCCASION. INCLUDE PHOTOCOPIES OF PERTINENT CORRESPONDENCE.

Order issued to Mr. Lehrer on August 26, 1975.

March 1, 1976 - a meeting in the Oshkosh area office between Tim Dahlstrand, Ted Harris, Bob Glebs and myself to discuss what additional information would be needed to comply with the provision requiring re-engineering plans.

March 12, 1976 - A letter from Ted Harris to Gary F. Kulibert forwarding 3 copies of soil testing preliminary hydrogeologic investigation of the site.

March 15, 1976 - Letter to Ted Harris from Bob Glebs and Earl Updike concerning review of that report and the need for additional information.

March 23, 1976 - Letter from John Reinhardt to Ted Harris acknowledging receipt of the preliminary information.

March 26, 1976 - Enforcement report form submitted by Gary F. Kulibert requesting modification of the order.

April 21, 1976 - Letter to Ted Harris from Bob Glebs and Earl Updike requesting additional information for the final hydrogeologic feasibility report and the preliminary engineering design.

April 29, 1976 - Modified order issued to Mr. Lehrer.

June 16, 1976 - Letter from Mr. Harris to Gary F. Kulibert indicating the need for additional time to complete the plans due to unforeseen circumstances. In talking to Mr. Harris and representatives of Soil Testing Service I was informed that Mr. Lehrer failed to pay his bills to these two consultant firms for work completed. For that

(see attached sheet)

EXCUSES, DEFENSES, MITIGATING OR EXTENUATING CIRCUMSTANCES WHICH MAY BE RAISED BY VIOLATOR

In talking to Mr. Lehrer he has indicated on several occasions that he cannot afford the high bills to do this engineering work as required by the Department. It appears in talking to the consultants that many of the delays have been caused by Mr. Lehrer failing to pay the bills for the work.

PRIOR INVOLVEMENT WITH ENTITY

INDICATE PREVIOUS VIOLATIONS NOT STATED ABOVE & HOW RESOLVED.

Presently Mr. Lehrer is being sued by the Attorney General's office for operational violations.

reason addi__onal work was not done on the engineering reports.

June 8, 1976 - Gary F. Kulibert talked to Ted Harris. At that time indicated the preliminary plans were partially completed and waiting for S.T.S.'s report.

August 3, 1976 - Gary F. Kulibert talked to Tim Dahlstrand concerning the submittal of plans. At that time he indicated that the company will not release the final hydrogeologic report until Mr. Lehrer paid for the work.

August 6, 1976 - Gary F. Kulibert talked to Jim Lehrer. At that time Mr. Lehrer indicated the money was sent to the consultants so that the reports could be released.

August 12, 1976 - This district office received the final hydrogeologic investigation report for the Lehrer landfill site.

As of this date our office has not received preliminary engineering report. Mr. Harris has indicated that he has too much work to do and is unable to complete the report at this time.

OTHER COMMENTS

IS SIGNIFICANT PUBLIC CONTROVERSY INVOLVED?	☐ YES	☒ NO	COMMENTS:
HAVE COMPLAINTS BEEN RECEIVED FROM THE PUBLIC?	☐ YES	☒ NO	COMMENTS:
WAS VIOLATION DETECTED THROUGH ROUTINE INVESTIGATION?	☐ YES	☒ NO	COMMENTS:
IS ADDITIONAL INVESTIGATION NEEDED?	☐ YES	☒ NO	COMMENTS:
HAS ENTITY BEEN COOPERATIVE IN THE PAST?	☐ YES	☒ NO	COMMENTS:
ARE THERE OBVIOUS RESTRICTIONS TO SITE LICENSING? (I.E., EVEN IF ALL FEES, PLANS, & APPLICATIONS ARE PROPERLY SUBMITTED, IS THE SITE LICENSABLE FROM THE STANDPOINT OF LOCATION OR OTHER CRITERIA?)	☐ YES	☒ NO	COMMENTS:
IS SKETCH OF VIOLATION AVAILABLE?	☒ YES	☐ NO	COMMENTS:
HAVE MEASUREMENTS BEEN TAKEN?	☒ YES	☐ NO	COMMENTS:
HAVE FORMAL NOTICES OF VIOLATIONS BEEN SENT TO OPERATOR?	☒ YES	☐ NO	COMMENTS:

RECOMMENDED TECHNICAL CORRECTIVE ACTION

As of this time we have provided assistance to the consultants and to Mr. Lehrer to insure that these plans could be completed as soon as possible. At this time our district feels tha the only corrective action would be the referral of this matter to the Attorney General's office for litigation.

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SIGNATURE OF APPROPRIATE DISTRICT EMPLOYE	TELEPHONE NUMBER	DATE OF REPORT
[illegible signature]	[illegible]	12-4-75

APPROVAL:

DISTRICT DIRECTOR AND/OR ASST. DISTRICT DIRECTOR	DATE
Allan J. Silvin	10-4-76

DISPOSITION (Hearing Follow-Up)

SETTLED	REFERRED	DISMISSED

COMMENTS

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